

**Sim, Lowman, Ashton & McKay LLP**  
Barristers & Solicitors**Sim & McBurney**  
Patent & Trade Mark Agents6<sup>th</sup> Floor, 330 University Avenue  
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DATE: December 10, 2007

Application No: 09/857,305

Our Ref: 1038-1153 MIS:jb

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FROM: Michael I. Stewart / 416-849-8400

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PTO/SB/21 (10-07)

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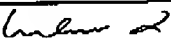
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/857,305	
	Filing Date	October 3, 2001	
	First Named Inventor	Robert C. Brunham	
	Art Unit	1645	
	Examiner Name	Nita M. Minnifield	
Total Number of Pages in This Submission	3	Attorney Docket Number	1038-1153 MIS:jb

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Sim & McBurney		
Signature			
Printed name	Michael I. Stewart		
Date	December 10, 2007	Reg. No.	24,973

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Signature			Date
Typed or printed name	Michael I. Stewart	Date	December 10, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# Sim & McBurney

Patent and Trade Mark Agents

330 University Avenue  
6th floor  
Toronto, Canada  
M5G 1R7

Telephone (416) 595-1155  
Fax (416) 595-1163

MICHAEL I. STEWART, B.Sc. (Hons.)  
TONI POLSON ASHTON, LL.B.  
KENNETH D. MCKAY, LL.B.  
TIMOTHY M. LOWMAN, LL.B.  
STEPHEN M. LANE, B.A. SC.  
PATRICIA A. RAE, Ph.D.  
DAVID A. RUSTON, B.Sc. (Eng)  
LOLA A. BARTOSZEWICZ, Ph.D.  
ANDREW R.O. JONES, LL.B.  
KIMBERLY A. MCIMANUS, Ph.D.

LYNDA P.S. COVELLO, LL.M.  
MATTHEW D. POWELL, B.Sc. (Eng)  
JADIP CHATTERJEE, Ph.D.  
MARCO M. CLEMENTONI, B.MATH.  
MARLYE MONROTON, LL.B.  
LORRAINE M. FLECK, M.Sc.

SENIOR CONSULTANTS  
PETER W. MCBURNEY, B.Sc.\*  
BRENDA L. BOARDMAN, B.A.  
JOHN H. WOODLEY, B.Sc.\*

TECHNICAL ASSISTANTS  
RUPINDER HANS, J.D.  
KENNETH K. MA, Ph.D.  
ASHLEE S. PROESE, B.A. (Hons.)  
GENEVIEVE RICHARD, LL.B.  
ERICA LOWTHERS, Ph.D.  
MICHAEL FLONKA, B.A. (Eng)\*

\*Professional Engineer

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December 10, 2007

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## Mail Stop 16

Commissioner of Patents  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314  
U.S.A.

Dear Sir:


**RE: US Patent Application No: 09/857,305**  
**Applicant: Robert C. Brunham**  
**Filed: October 3, 2001**  
**Examiner: Minnifield, Nita M. ; Group No.: 1645**  
**Title: TWO-STEP IMMUNIZATION PROCEDURE AGAINST**  
**CHLAMYDIA INFECTION**

We have your communication dated November 11, 2007 attaching a Notice of Improper Request for Continued Examination (RCE) on the basis that the request was not accompanied by a submission as required by 37 CFR 1.114.

We hereby withdraw the RCE and request that the fee tendered in connection therewith and the extension fee be refunded. The applicants are proceeding by way of a continuation application.

A copy of the Notice is enclosed.

Yours very truly,

  
Michael I. Stewart  
Reg. No. 24,973

Enclosure(s)

Application No.  
09/857,305Applicant(s)  
BRUNHAM ET AL.  
Art Unit  
Date Mailed:  
1600**NOTICE OF IMPROPER REQUEST FOR  
CONTINUED EXAMINATION (RCE)**

The request for continued examination (RCE) under 37 CFR 1.114 filed on 22 October, 2007 is improper for reason(s) indicated below:

1. ☐ Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d). An RCE cannot be treated as a CPA.
2. ☐ Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b).
3. ☐ Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
4. ☐ The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
5. ☐ The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on . Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
6. ☐ The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
7. ☒ The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

**Note:** A continued prosecution application (CPA) under 37 CFR 1.53(d) cannot be filed in a utility or plant application. A CPA filed in a utility or plant application that has a filing date on or after June 8, 1995 will be treated as an RCE under 37 CFR 1.114. The request for a CPA in the instant application, however, has been treated as an improper RCE for the reason(s) indicated above.

***A copy of this Notice MUST be returned with the reply.***

Direct any questions concerning this notice to

/Gloria/J./Trammell/, Technology Center 1600

Telephone Number: 571-272-0561